

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

INSTRUMENTATION TECHNOLOGY	:	CIVIL ACTION
ASSOCIATES, INC.	:	
	:	
v.	:	
	:	
	:	
THE UNITED STATES OF AMERICA	:	NO. 09-429

MEMORANDUM

Fullam, Sr. J.

April 27, 2010

This case arises from the loss of the space shuttle *Columbia*, which broke up upon re-entry over Texas in 2003. The plaintiff alleges that it had placed scientific experiments aboard the shuttle that survived the disaster and were recovered by NASA in a Texas parking lot. The plaintiff alleges that NASA denied it access to the experiments and failed to maintain them in the proper conditions, ruining them.

The plaintiff has requested leave to file a second amended complaint to "clarify" that it challenges both the government's actions in handling the experiments and the decisions at the time of launch that allegedly led to the catastrophe. The government opposes the amendment, arguing that it will be prejudiced because it has already devoted substantial time to searching for documents relating to the more narrow focus of the case and that the plaintiff waited too long to amend.

Mindful that "[t]he court should freely give leave when justice so requires," I will grant the plaintiff's motion. Fed.

R. Civ. P. 15(a)(2). The defendant contends that several more months will be needed for discovery on the complaint as amended; as the relevant federal statutes allowed this case to be filed six years after the ill-fated shuttle mission, I do not find the additional delay to be undue nor the need for additional discovery overly prejudicial.

An order will be entered.

BY THE COURT:

/s/ John P. Fullam
John P. Fullam, Sr. J.

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O R D E R

AND NOW, this 27th day of April 2010, upon consideration of the plaintiff's Motion for Leave to Amend the Amended Complaint and the response thereto, and after a telephone conference with counsel, It is ORDERED:

That the Motion is GRANTED. Within 20 days, the plaintiff may file a Second Amended Complaint. The parties are directed to confer and submit any proposed changes to the current trial date.

BY THE COURT:

/s/ John P. Fullam
John P. Fullam, Sr. J.